

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

STEVEN NOVICK, on Behalf of Himself and All Others
Similarly Situated,

Plaintiff,

v.

No. 09 Civ. 6935 (JGK)

PROSHARES TRUST; PROSHARE ADVISORS LLC; SEI
INVESTMENTS DISTRIBUTION CO.; MICHAEL L.
SAPIR; LOUIS M. MAYBERG; RUSSELL S. REYNOLDS,
III; MICHAEL WACHS; and SIMON D. COLLIER,

ECF Case

Defendants.

CHARLES SANKOWICH, on Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

No. 09 Civ. 7356 (JGK)

PROSHARES TRUST; PROSHARE ADVISORS LLC; SEI
INVESTMENTS DISTRIBUTION CO.; MICHAEL L.
SAPIR; LOUIS M. MAYBERG; RUSSELL S. REYNOLDS,
III; MICHAEL WACHS; and SIMON D. COLLIER,

ECF Case

Defendants.

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**PROSHARES DEFENDANTS' NOTICE OF
MOTION TO CONSOLIDATE**

JACK MCBRIDE, on Behalf of Himself and all Others
Similarly Situated,

Plaintiff,

v.

No. 09 Civ. 7392 (JGK)

PROSHARES TRUST; PROSHARE ADVISORS LLC; SEI
INVESTMENTS DISTRIBUTION CO.; MICHAEL L.
SAPIR; LOUIS M. MAYBERG; RUSSELL S. REYNOLDS,
III; MICHAEL WACHS; and SIMON D. COLLIER,

ECF Case

Defendants.

MITCHELL HIRTH, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

No. 09 Civ. 7505 (JGK)

PROSHARES TRUST, PROSHARE ADVISORS LLC, SEI
INVESTMENTS DISTRIBUTION CO., MICHAEL L.
SAPIR, LOUIS M. MAYBERG, RUSSELL S. REYNOLDS,
III, MICHAEL WACHS, and SIMON COLLIER,

ECF Case

Defendants.

DAVID MARCONI, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

No. 09 Civ. 8089 (JGK)

PROSHARES TRUST, PROSHARE ADVISORS LLC, SEI
INVESTMENTS DISTRIBUTION CO., MICHAEL L.
SAPIR, LOUIS M. MAYBERG, RUSSELL S. REYNOLDS,
III, MICHAEL WACHS, and SIMON COLLIER,

ECF Case

Defendants.

RICHARD C. BOLTON, on Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

No. 09 Civ. 8200 (JGK)

PROSHARES TRUST; PROSHARE ADVISORS LLC; SEI
INVESTMENTS DISTRIBUTION CO.; MICHAEL L.
SAPIR; LOUIS M. MAYBERG; RUSSELL S. REYNOLDS,
III; MICHAEL WACHS; and SIMON D. COLLIER,

ECF Case

Defendants.

FENG CHEN and LIN QIAO, on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

v.

No. 09 Civ. 8202 (JGK)

PROSHARES TRUST; PROSHARE ADVISORS LLC; SEI
INVESTMENTS DISTRIBUTION CO.; MICHAEL L.
SAPIR; LOUIS M. MAYBERG; RUSSELL S. REYNOLDS,
III; MICHAEL WACHS; and SIMON D. COLLIER,

ECF Case

Defendants.

ROBERT KNOBEL, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

No. 09 Civ. 8293 (JGK)

PROSHARES TRUST, PROSHARE ADVISORS LLC, SEI
INVESTMENTS DISTRIBUTION CO., MICHAEL L.
SAPIR, LOUIS M. MAYBERG, RUSSELL S. REYNOLDS,
III, MICHAEL WACHS, and SIMON COLLIER,

ECF Case

Defendants.

JACOB CHENE NORMAND, on behalf of himself and all others similarly situated,

Plaintiff,

v.

No. 09 Civ. 8327 (JGK)

PROSHARES TRUST, PROSHARE ADVISORS LLC, SEI INVESTMENTS DISTRIBUTION CO., MICHAEL L. SAPIR, LOUIS M. MAYBERG, RUSSELL S. REYNOLDS, III, MICHAEL WACHS, and SIMON COLLIER,

ECF Case

Defendants.

KAREN WORDEN, on behalf of himself and all others similarly situated,

Plaintiff,

v.

No. 09 Civ. 8662 (UA)

PROSHARES TRUST, PROSHARE ADVISORS LLC, SEI INVESTMENTS DISTRIBUTION CO., MICHAEL L. SAPIR, LOUIS M. MAYBERG, RUSSELL S. REYNOLDS, III, MICHAEL WACHS, and SIMON COLLIER,

ECF Case

Defendants.

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law in Support of the ProShares Defendants' Motion to Consolidate Related Actions Pursuant to Rule 42, and upon the Declaration of Robert A. Skinner in Support of the ProShares Defendants' Motion to Consolidate Related Actions Pursuant to Rule 42, defendants ProShares Trust, ProShare Advisors LLC, SEI Investments Distribution Co., Michael L. Sapir, Louis M. Mayberg, and Simon D. Collier ("the ProShares Defendants") shall move this Court before the Honorable John G. Koeltl, at the United States Courthouse, in Courtroom 12B, located at 500 Pearl Street, New

York, New York 10007, to enter an order pursuant to Rule 42(a) of the Federal Rules of Civil Procedure consolidating the above-captioned actions for all purposes, and for such other relief as the Court may deem just and proper.

Answering papers, if any, shall be served in accordance with the Federal Rules of Civil Procedure and the Local Rules of this Court.

Dated: October 20, 2009

Respectfully submitted,

ROPES & GRAY LLP

By: /s/ Robert A. Skinner

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*Attorneys for Defendants ProShares Trust,
ProShare Advisors LLC, SEI Investments
Distribution Co., Michael L. Sapir, Louis M.
Mayberg, and Simon D. Collier*

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2009, I caused a true and correct copy of the foregoing document to be served upon all registered users through the Court's Electronic Case Filing system.

/s/ Robert A. Skinner
Robert A. Skinner